

The Real Property Law Section

<http://www.calbar.ca.gov/rpsection>

STATE BAR OF CALIFORNIA

WEBSITE

The Section's website is new and improved. Check it out: www.calbar.ca.gov/rpsection

MY STATE BAR PROFILE

California attorneys can pay bar fees, update personal information and report MCLE compliance with a new online feature, *My State Bar Profile*. Complete your profile and assist the Real Property Law Section in obtaining member emails for future section correspondence.

MARK YOUR CALENDARS!

January 23 - 25, 2004

SEI Conference – Santa Monica. The Real Property Law Section is sponsoring presentations on:

- Current Issues in Home Buying
- Cross-Border Real Estate Transactions
- Mold: A Four-Letter Word
- Resisting One-Sided SNDA's and Estoppel Certificates, and
- Righteous or Wrongful Eviction 2004 – Strategies for Ethical and Effective Representation

REAL PROPERTY LAWYERS HELPING OTHERS

Executive Committee member **Marc Fong**, an avid cyclist, organized a bike ride to benefit The Breast Cancer Fund and three bay area breast cancer organizations. The downtown Oakland, California ride was inspired by one of Marc's clients, also an avid cyclist, whose sister was diagnosed with breast cancer. With nearly 300 cyclists, many volunteers and terrific sponsors, The Bike Against The Odds event raised over \$100,000 and was considered a wonderful success. The 2004 Bike Against The Odds ride is already in the early planning stages. If you would like to help, please contact Marc at mfong@fonglaw.com.



WHAT HAVE WE DONE FOR YOU LATELY?

There are many benefits to membership in the Real Property Law Section, and the list keeps growing. First and foremost, your membership dues purchase a subscription to the highly regarded quarterly publication, *The California Real Property Journal*. As an additional benefit for 2004, we will be incorporating self-study materials in the *Journal* to help you achieve your Mandatory Continuing Legal Education goals with information closely related to your real property practice. The self-study materials alone will

have a value of approximately \$50. For your convenience, you will be able to access these materials on the website as well (members-only page).

Membership also entitles you to participate in 16 substantive law subsections at no additional charge. Many of these subsections have both Northern California and Southern California branches. To gather more information, or join one or more of the subsections, scroll to the enrollment form on the website.

Your Real Property Law Section Education and Retreat Committees provide top-flight educational programs, including the Annual Real Property Retreat (April 23-25, 2004 at the La Costa Resort in San Diego County), the Section Education Institute (January 23-25, 2004 in Santa Monica), and the Annual State Bar Meeting (October 7-10, 2004 in Monterey). These events provide not only educational benefits, but excellent opportunities to interact and network with other real property attorneys and professionals.

And there's more – CEB offers special discounts on selected products to Real Property Law Section members. For more information, go to www.ceb.com/RPS. Also, the Section has negotiated an agreement with CEB under which CEB will discount the fees of Section members by \$60 if you purchase a Gold Passport or a single-event ticket and indicate that you are a Section member. This is a win-win-win situation: your dues are essentially paid by CEB, Section membership grows, and CEB program attendance grows. For more information, see "State Bar Rebate" on the CEB website.

Your membership dues are tax deductible.

And – as a member you receive this informative Newsletter a few times a year, featuring the snazzy red skyline!

SECTION TO SPONSOR PARTICIPANT AT UNIFORM STATE LAWS CONFERENCE

The National Conference of Commissioners on Uniform State Laws ("NCCUSL") mission is to draft proposals for uniform laws on subjects where uniformity is desirable, and to work toward their enactment in state legislatures. Some of the Acts and proposals familiar to real property lawyers are UCC Articles 2, 2A and 9, Mortgage Satisfaction and Environmental Covenants. NCCUSL has recently appointed a Drafting Committee to draft a uniform Act on the subject of Mortgagee Access to Rents from Income-Producing Land. This is a project that will have national implications. As part of this process, Observers can be appointed to participate.

Norma Williams of Williams & Associates has been appointed as an Observer to the Drafting Committee. Ms. Williams was an Executive Committee member from 1990-1996, and chaired the Section's Secured



Transactions Law Reform Committee. That Committee authored a proposal to comprehensively revise California's law on assignment of rents, which proposal was codified as Civil Code Section 2938. The NCCUSL Drafting Committee has decided to use the California law as the model for the national uniform Act and is now starting to work to draft such an Act. Ms. Williams is an excellent candidate to be an Observer to the NCCUSL Drafting Committee because of her work with the Section. The Section's sponsorship will give our members input into the drafting of this uniform Act. Congratulations and thank you to Ms. Williams.

LEGISLATION UPDATE

1. Assembly Bill 903 is an effort to clean up some problems with last year's Senate Bill 800. AB 903 clarifies that developers of real estate must provide homebuyers with a copy of SB 800, but not the entire section of the Civil Code in which it resides (which was technically required by the language of SB 800). It also clarifies that SB 800 is applicable to new residential units where the purchase contract was signed by the seller on or after January 1, 2003, but not to any sales where the contract was signed before that date. Finally, AB 903 clarifies that SB 800 applies to general contractors if they are acting as sellers of residential real estate.
2. Contracts Negotiated in a Foreign Language may require translation into that language. Current California law requires certain consumer contracts which are negotiated with a customer in Spanish to be translated into Spanish. The statute applies only to the listed types of contracts (apartment or residential leases with a term of a month or more and agreements to

provide legal services). Civil Code § 1632. Starting on July 1, 2004, if these agreements are negotiated in Chinese, Tagalog, Vietnamese, or Korean, then they must be translated into these languages. AB 309 and SB 146.

COURT RULING OF INTEREST

The United States District Court for the District of Columbia invalidated the Department of the Interior's "No Surprises Rule" (permitting a developer with a permit to avoid liability for unforeseen harm to endangered species so long as the permit requirements were met). *Spirit of the Sage, et al. v. Babbitt, et al.*, Civ. No. 1:98CV01873, Sept. 30, 2003.

Remember: If you miss a CLE session offered by the State Bar, audiotapes are available. The Versa-Tape Company has a large library of audio cassettes of educational programs sponsored by the Real Property Law Section, the State Bar of California and all of the State Bar Sections. For information, call (626) 791-8907, (800) 468-2737 or visit versatape.com

To contact the Real Property Law Section call (415) 538-2564 or e-mail Pam.Wilson@calbar.ca.gov.

NEWSLETTER CONTRIBUTIONS

To submit materials to be included in the next edition of the Real Property Section Newsletter, please send them to **Jean Bertrand** at jlbertrand@milp.com or (415) 901-8701 (fax). Items can include announcements of upcoming programs, reports of prior programs, pro bono success stories, and the like.